

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-16-0133-PR

AMERICAN POWER PRODUCTS INC et al v CSK AUTO INC

<p>Appellate Case Information</p> <p>Case Filed: 16-Jun-2016</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>En Banc</p> <p>Hon. Scott Bales Hon. John Pelander Hon. Robert M. Brutinel Hon. Ann A. Scott Timmer Hon. Clint Bolick</p>
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Side 1. AMERICAN POWER PRODUCTS, INC., a California corporation; LFMG/APP, LLC, an Arizona corporation,, Cross-Appellee
(Litigant Group) AMERICAN POWER PRODUCTS, INC., a California corporation; LFMG/APP, LLC, an Arizona corporation

<ul style="list-style-type: none"> • American Power Products Inc, Plaintiff, Counter-Defendant, Appellant • LFMG/APP LLC, Plaintiff, Counter-Defendant, Appellant 	<p>Attorneys for: Appellants/Cross-Appellees</p> <p>David B Goldstein, Esq. (AZ Bar No. 3410) John L Lohr, Jr, Esq. (AZ Bar No. 19876) Evan B Schechter, Esq. (AZ Bar No. 29658) Herbert Dodell, Esq. (CA Bar No. 38545)</p>
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Side 2. CSK AUTO INC., an Arizona corporation,, Cross-Appellant
(Litigant Group) CSK AUTO INC., an Arizona corporation,

<ul style="list-style-type: none"> • CSK Auto Inc, Defendant, Counter-Claimant, Appellee 	<p>Attorneys for: Appellee/Cross-Appellant</p> <p>Leon B Silver, Esq. (AZ Bar No. 12884) Andrew S Jacob, Esq. (AZ Bar No. 22516)</p>
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CASE STATUS	
Dec 6, 2016.....Submitted	Oct 18, 2016.....At Issue
Oct 18, 2016.....Oral Argument Granted	Jun 16, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 12-0855					
↔ MAR CV2005-019594	Breach of Contract; Negligent Misrepresentation; Negligence [see file]		George H Foster, Authoring Judge of Order Comments: (none)		

19 PROCEEDING ENTRIES		
1.	16-Jun-2016	FILED: Petition for Review of a Decision of the Court of Appeals; Certificate of Service of Petition for Review of a Decision of the Court of Appeals; Certificate of Compliance; Memorandum Decision of the Court of Appeals Filed 5-19-2016 (Appellee/Cross-Appellant CSK Auto)
2.	16-Jun-2016	FILED: Record from CofA: Electronic Record
3.	21-Jun-2016	RECEIPT No.: ASC2016-00560 ; \$280.00, Authorization: 72006662832, Applied to: CSK AUTO INC., an Arizona corporation - Class A Filing Fee (\$280.00) Paid for: CSK AUTO INC., an Arizona corporation - By Intresys Inc (Memo: Form Set No. 1835538)
4.	19-Jul-2016	FILED: Respondents' Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellants/Cross-Appellees American Power Products Inc et al)
5.	21-Jul-2016	RECEIPT No.: ASC2016-00664 ; \$140.00, Authorization: 02018909086, Applied to: AMERICAN POWER PRODUCTS, INC., a California corpor - Class B Filing Fee (\$140.00) Paid for: AMERICAN POWER PRODUCTS, INC., a California corporation; LFMG/APP, LLC, an Arizona corporation - By Intresys Inc (Memo: Formset No 1868344)
6.	18-Oct-2016	ORDERED: Petition for Review of a Decision of the Court of Appeals = GRANTED. FURTHER ORDERED: The case shall be set for oral argument. FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.
7.	19-Oct-2016	NOTICE OF ORAL ARGUMENT: Set for Tuesday, December 6, 2016 at 10:00 A.M. at Morenci High School [twenty (20) minutes per side]
8.	20-Oct-2016	FILED: Notice of Filing Acknowledgment of Oral Argument (Leon B. Silver will argue) (Appellee/Cross-Appellant CSK Auto)

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19 PROCEEDING ENTRIES

9. 20-Oct-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (David B. Goldstein will argue) (Appellants/Cross-Appellees American Power Products Inc et al)
10. 20-Oct-2016 FILED: (DUPLICATE) Notice of Filing Acknowledgment of Oral Argument (David B. Goldstein will argue) (Appellants/Cross-Appellees American Power Products Inc et al)
11. 21-Oct-2016 FILED: (SECOND DUPLICATE) Notice of Filing Acknowledgment of Oral Argument (David B. Goldstein will argue) (Appellants/Cross-Appellees American Power Products Inc et al)
12. 27-Oct-2016 FILED: Remaining Record from CofA - MCSC: Instruments and MEs
- Maricopa County Superior Court:
- Box 1 - (List; Pltf Exh Nos 1, 3-9, 15-18, 22, 23, 27, 29-34, 35, 37, 38, 41, 43, 47, 51, 59, 64-69, 71-73, 75, 76, 80, 82, 85, 86, 94, 100, 108-110, 112, 117, 125, 126, 129, Exh w/ red stamp [no tags] 140-143, 144 [2 copies], 145-181, 164, 166, 176, 444;
- Def Exh Nos 182-190, 192-194, 197, 201, 203, 204, 206, 207, 211, 212, 218, 219, 223, 226, 228, 228.001, 229, 230-237, 240, 246, 248, 250, 257, 259-261, 263-265, 268, 270, 273-279, 283-285, 288-290, 293, 295, 298, 299, 303, 304, 306, 309, 314, 315, 317-319, 321-327, 331, 338, 344-348, 354, 364, 372, 374, 379-381, 383-389, 392-395, 401-404, 406, 407 (CD), 409, 412 (CD), 413-415, 417, 419, 439.001, 445,
- SEALED manila env [Letter Dated 7/6/10])
- Box 2 - Plf Exh No 167 (2 binders)
- Boxes 3, 4, 5 - Def Exh No 417 (8 binders)
- Boxes 6, 7 - 24 DEPOS (Christopher James Bowen 07/29/10; P. Gregg Curry 06/13/11; Jocelyn Mula 07/29/10; P. Gregg Curry 07/30/10; Kody Kirkham 08/13/10; Bobi Jo Smrtka 02/22/10; David S. Komm [4] 04/05/10; Paul Rubin 03/01/10; Aimee Hudson 12/08/09; Jeanine Baggio 08/13/10; Cameron Saylor - Vol 1 04/22/10; Cameron Saylor - Vol 2 04/27/10; Michael Abramovich 12/07/09; Lonnie Cason 03/18/10; Dan Escobedo 05/03/10; Ernie Whitmore 02/02/10; Jerry Veal 12/16/10; Kyle T. Huden 08/04/10; Richard Reyes 03/18/10; Ashfaq Kazi 06/07/10; Charles E. Rigby 03/11/11)
13. 4-Nov-2016 FILED: AMENDED Remaining Record from CofA - MCSC: Instruments and MEs
- Maricopa County Superior Court:
- Deposition of Jerry Veal corrected RT date of 12/16/10 to 6/6/10
14. 7-Nov-2016 FILED: Petitioner's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee/Cross-Appellant CSK Auto)
15. 7-Nov-2016 FILED: Respondents' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellants/Cross-Appellees American Power Products Inc et al)
16. 21-Nov-2016 SENT: Letter to Attorneys re Morenci High School OA; Map and parking info
17. 30-Nov-2016 FILED: Motion to Associate Counsel Pro Hac Vice (Pro Hac Herbert Dodell); Certificate of Service (Appellants/Cross-Appellees American Power Products Inc et al)
18. 30-Nov-2016 David B. Goldstein, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Herbert Dodell be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39, Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Herbert Dodell to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Scott Bales)
19. 6-Dec-2016 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: David B. Goldstein; Leon B. Silver)